

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3075**

1 On page 1 of the printed A-engrossed bill, line 2, after the semicolon in-
2 sert “creating new provisions;” and after “332.505” insert “and sections 9 and
3 21, chapter 718, Oregon Laws 2011,”.

4 On page 4, after line 31, insert:

5 **“SECTION 5.** Section 9, chapter 718, Oregon Laws 2011, is amended to
6 read:

7 **“Sec. 9.** (1) For purposes of ORS 339.133 (5)(b), a person whose legal res-
8 idence is not within a school district but who attends school in the district
9 is considered a resident of the district in which the person attends school if
10 the person receives written consent to attend school from the district school
11 board where the school is located, as provided by this section.

12 “(2)(a) By March 1 of each year, a district school board shall determine
13 whether the board will give consent to persons whose legal residence is not
14 within the school district.

15 “(b) If the district school board will give consent, the board shall estab-
16 lish standards by which consent will be given. The standards must:

17 “(A) Identify the number of persons to whom consent will be given for the
18 school year. The district school board may limit the number of persons to
19 whom consent will be given based on school, grade or a combination of
20 school and grade.

21 “(B) Allow persons who live within the boundaries of the school district
22 the first opportunity to change to a different school in the district if the

1 district school board will be giving consent to attend that school to persons
2 who do not reside within the district.

3 “(3) A person seeking consent as provided by this section must request
4 consent no later than April 1 prior to the beginning of the school year for
5 which consent is being requested. Requests may be submitted before the
6 district school board makes the determination and establishes the standards
7 described in subsection (2) of this section, but may not be considered by the
8 board when the board makes the determination and establishes the standards.

9 “(4)(a) A district school board must give consent to a person who requests
10 consent unless:

11 “(A) The board decides to not give consent to any person as allowed by
12 subsection (2) of this section;

13 “(B) The board decides to limit the number of persons to whom consent
14 will be given and the person was not selected to be given consent based on
15 the selection process described in subsection (5) of this section; or

16 “(C) The board is not required to admit the person, as provided by ORS
17 339.115 (8).

18 “(b) A district school board may not deny consent or give priority based
19 on race, religion, sex, sexual orientation, ethnicity, national origin, disabil-
20 ity, terms of an individualized education program, income level, proficiency
21 in the English language, [*or*] athletic ability **or residence**.

22 “(5) If the number of persons seeking consent exceeds the number of per-
23 sons to whom the district school board has determined will be given consent,
24 the board shall give consent based on an equitable lottery selection process.
25 The process may give priority to persons who have siblings currently en-
26 rolled in a school of the school district, but in no event may a sibling be
27 given priority to any open spot in the schools of the school district over any
28 persons who reside within the school district.

29 “(6)(a) **If a person is considered a resident of the school district as**
30 **provided by this section and the person has expressed an interest in**

1 attending the schools of another school district before the end of the
2 school year, the school district shall meet with the person and en-
3 courage the person to continue to attend the schools of the school
4 district for the remainder of the school year.

5 “(b) If a person is considered a resident of the school district as
6 provided by this section, the school district may not encourage or re-
7 quire the person to attend the schools of another school district as a
8 condition of avoiding a disciplinary measure, including but not limited
9 to suspension or expulsion.

10 “[~~(6)(a)~~] (7)(a) Except as provided by paragraphs (b) and (c) of this sub-
11 section, a person who receives consent and who is considered a resident of
12 a district as provided by this section shall be considered a resident of the
13 district for all educational purposes. A person who is considered a resident
14 of the district as provided by this section shall continue to be considered a
15 resident of the district until the person:

16 “(A) Graduates from high school;

17 “(B) Is no longer required to be admitted to the schools of the school
18 district under ORS 339.115; or

19 “(C) Enrolls in a school in a different school district.

20 “(b) A school district is not required to provide transportation outside the
21 boundaries of the district to a person who is considered a resident of the
22 district as provided by this section, except that a district:

23 “(A) Must allow persons who are considered a resident of the district as
24 provided by this section to use existing bus routes and transportation ser-
25 vices of the district. **Costs incurred for** transportation provided under this
26 subparagraph [*is*] **are** considered approved transportation costs for purposes
27 of ORS 327.013, **except for costs incurred for providing transportation**
28 **solely to persons who are considered residents of the district as pro-**
29 **vided by this section if the transportation is provided:**

30 “(i) **Outside the boundaries of the district; and**

1 **“(ii) For the purpose of transporting the persons between home and**
2 **school.**

3 “(B) May provide a stipend for a person who is a member of a low-income
4 family, as defined in ORS 339.147, in an amount that does not exceed the
5 district’s average cost per student for transportation.

6 “(C) Must provide transportation if required by federal law. **Costs in-**
7 **curred for transportation provided under this subparagraph are con-**
8 **sidered approved transportation costs for purposes of ORS 327.013.**

9 “(c) After the first year that a person is considered a resident of a district
10 as provided by this section, the district school board may transfer the person
11 to a different school in the district. Any transfers must be made consistent
12 with district policy and do not affect the status of the person as a resident
13 of the district.

14 “~~[(7)]~~ **(8)** A district school board shall provide written notification of the
15 attendance of a person who receives consent as provided by this section to
16 the district school board where the legal residence of the person is located.
17 The written notification required by this subsection must be provided no
18 later than May 1 prior to the beginning of the school year for which consent
19 was given.

20 “~~[(8)]~~ **(9)** Nothing in this section:

21 “(a) Requires a district school board to give consent to siblings if the
22 board determines that consent will not be given to any students for a school
23 year.

24 “(b) Prevents a school district from entering into interagency agreements
25 to provide services to persons who do not reside in the school district or are
26 not considered residents of the school district.

27 “(c) Prevents or otherwise limits a district school board from providing
28 consent to a person who has received consent from the district school board
29 for the school district in which the person resides, as provided by ORS
30 339.133 (5)(a).

1 **“SECTION 6. The amendments to section 9, chapter 718, Oregon**
2 **Laws 2011, by section 5 of this 2013 Act apply to:**

3 **“(1) Consent or priority given on or after the effective date of this**
4 **2013 Act; and**

5 **“(2) Costs incurred for transportation on or after July 1, 2013.**

6 **“SECTION 7. A school district that provides consent to nonresident**
7 **persons to attend the schools of the school district as provided by**
8 **section 9, chapter 718, Oregon Laws 2011, may not expend moneys re-**
9 **ceived from the State School Fund or as Local Revenues, as described**
10 **in ORS 327.011, to advertise openings for nonresident persons if the**
11 **advertisements are:**

12 **“(1) Located outside the boundaries of the school district, including**
13 **advertisements that are made by signage or billboards; or**

14 **“(2) Directed to persons who are not residents of the school district,**
15 **including:**

16 **“(a) Advertisements that are targeted to nonresidents through di-**
17 **rect mail or online direct marketing;**

18 **“(b) Television or radio advertisements; or**

19 **“(c) Newspaper advertisements, unless the advertisement is in a**
20 **newspaper that primarily serves the residents of the school district.**

21 **“SECTION 8. Section 7 of this 2013 Act applies to contracts for ad-**
22 **vertising entered into by a school district on or after the effective date**
23 **of this 2013 Act.**

24 **“SECTION 9. Section 21, chapter 718, Oregon Laws 2011, is amended to**
25 **read:**

26 **“Sec. 21. Section 9 [of this 2011 Act is], chapter 718, Oregon Laws 2011,**
27 **and section 7 of this 2013 Act are repealed on July 1, 2017.”.**

28 In line 32, delete “5” and insert “10”.